

Arizona Commission on Access to Justice
DRAFT MINUTES
February 17, 2016
10:00 a.m. to 2:00 p.m.
State Courts Building, 1501 W. Washington Street
Phoenix, AZ 85007

Present: Judge Lawrence Winthrop, Chair; Kip Anderson; Judge Janet Barton; Mike Baumstark; Judge Thomas Berning; Millie Cisneros; Judge Maria Elena Cruz; Steve Hirsch; Michael Jeanes; Judge Joseph Kreamer; Judge James Marner; John Phelps via his proxy Carrie Sherman; Janet Regner; Kevin Ruegg

Telephonic: Judge James Marner; Anthony Young

Absent: Judge Rachel Torres Carrillo; Ellen Katz; Michael Liburdi; Steve Seleznow; Lisa Urias

Presenters/Guests: Arianna Cannady; Jeff Fine; Judge Dean Fink; Janet Fisher; Shawn Friend; Kevin Groman; Chris Groninger; Shawn Haught; Hana Martin; Noah Suhr; Kathy Schaben (Telephonic); Lara Slifko

AOC Staff: Theresa Barrett; Julie Graber; Nick Olm; Kathy Sekardi

I. REGULAR BUSINESS

A. Welcome, Opening Remarks and Approval of Minutes

With a quorum present, the February 17, 2016, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by the Chair, Judge Larry Winthrop, at 10:05 a.m.

Judge Winthrop introduced new commission member Steve Hirsch from Quarles and Brady LP. Judge Winthrop then recognized the reappointment of the following members to the Arizona Commission on Access to Justice: Judge Janet Barton, Ellen Katz, Judge James Marner, Janet Regner, and Anthony Young. Lastly, Judge Winthrop acknowledged the return of Janet Fisher to the Self-Represented Litigant in Family Court Workgroup and thanked Secretary of State Michelle Reagan and State Law Librarian Joan Clark for allowing Ms. Fisher's return.

Motion: Judge Kreamer moved to approve the November 18, 2015, minutes. **Seconded:** Judge Barton **Vote:** Unanimous.

B. Chairperson's Report on Presentations and Meetings

Judge Winthrop thanked Lisa Urias, Kip Anderson, Janet Regner, and Judge Marner for making presentations to groups regarding the ACAJ initiatives and the Arizona Charitable Tax Credit.

Action item: For this upcoming year, Judge Winthrop requested that every member of the Commission identify at least two groups to present to regarding the commission and its goals.

Judge Winthrop reported that he plans to continue meeting with legislators to educate them about the Commission's mission and how the mission affects legislators' constituents. Judge Winthrop has already met with the Governor's staff and Secretary of State Reagan who were very supportive and offered continuing support to the commission's goals. Judge Winthrop further reported that a new committee was created by Chief Justice Bales: The Committee on Civil Justice Reform (CCJR). This committee's purpose, per Administrative Order 2015-126, is "to develop recommendations, including rule amendments or pilot projects, to reduce the cost and time required to resolve civil cases in

Arizona's superior courts." It was noted the CCJR's work will likely intersect with the work of this commission in the future.

Additional highlights included:

- Dan Christensen was named the "In-House Counsel of the Year" by the Arizona Chapter of the Association of Corporate Counsel.
- Maggie Kiel-Morse, member of the Self-Represented Litigants in Family Court workgroup and the Virtual Resource Center Task Force, has to relocate to Ohio for family reasons. Janet Fisher will fill Ms. Kiel-Morse's role on a temporary basis, pending Ms. Kiel-Morse's replacement being hired.
- Future continuing education programs where access to justice will be included in the curriculum were announced at the American Bar Association (ABA) mid-year meeting.
- Avvo, an online legal advisor marketplace that provides on-demand legal services by phone, is coming to Arizona.

II. REPORT FROM SRL-FC WORKGROUP

A. Maricopa County's AmeriCorps Project

Judge Dean Fink updated the Commission on the AmeriCorps program. To date the Court has trained 34 AmeriCorps members to assist self-represented litigants. Judge Fink then introduced Shawn Haught and Shawn Friend who are managing the project.

Ms. Friend noted that the 34 students are the equivalent of eight full time employees and staff the resource center from 7:30 a.m. to 5:00 p.m. Many speak a second language; including Arabic, Spanish, and American Sign Language, which is an added value. Ms. Friend and Mr. Haught then introduced three current AmeriCorps members: Hannah Martin, Noah Suhr, and Arianna Cannady who spoke about their experiences in the program. Lastly, Ms. Friend shared that Maricopa County is now recruiting attorneys who will provide *pro bono* services at the Maricopa County Law Library/Self-Help Center.

Ms. Friend and Mr. Haught fielded questions and offered to provide any information, tools, or advice to those jurisdictions that are looking into a program such as the AmeriCorps project. Ms. Friend informed members that they are using a system to track work completed by AmeriCorps members and there are also survey questionnaires given to self-represented litigants to track areas in which assistance is provided. Additionally, they are working with the court's information technology department to track the time it takes for those who file dissolutions on their own versus those who solicited the services of AmeriCorps members to file dissolutions.

Commission members thanked Ms. Friend, Mr. Haught and the AmeriCorps members for their work.

B. Update on Law4AZ Training Programs

Janet Fisher reported the Law4AZ Training Program has continued to train public library staff so that they are comfortable providing legal information to the public. Ms. Fisher further reported that Ms. Kiel-Morse worked diligently in the latter part of 2015 to meet with public library staff in the remaining nine counties that had not yet received this training. Before her departure, Ms. Kiel-Morse provided the two-part training to seven of the nine counties. Both of the training sessions were recorded and are available on the State Library's blog site.

Ms. Fisher then reported there was another Law4AZ training session for Maricopa County's public libraries due to a significant workforce turnover since the last training was offered. It was noted that

in the future Shawn Friend will be conducting these training sessions for Maricopa County at the Arizona Capitol Building.

Judge Winthrop shared there are plans to have volunteer attorneys provide training sessions to public librarians on legal information versus legal advice and also have the volunteer attorneys provide *pro bono* legal services to patrons at the public library. Ms. Ruegg offered to post these opportunities for lawyers volunteering at the public libraries on the Online Justice Arizona website. In closing, Ms. Fisher reported that law librarians in Arizona are developing a mentoring program to assist public librarians and answer questions and provide additional resources relative to providing legal information and answering questions for self-represented litigants.

C. Report on AZCourtHelp – Arizona’s Virtual Access and Resource Center

Theresa Barrett updated the Commission on the AZCourtHelp project (virtual court self-help center). Update highlights included:

- Contract finalized with AZFLSE to develop and maintain the website.
- Mohave County recruited to serve as the first hub and to assist with identifying the necessary technological requirements for expansion of the project to other counties.
- Coconino County Superior Court received funding for the physical resource center’s construction. Finally, it was reported that the Task Force continues to explore IV-D funding options with the Department of Economic Security to hire a Family Law Facilitator to enhance services offered to the public.

D. Report on the Simpla Phi Lex Project

Judge Fink reported that the Self-Represented Litigant in Family Court workgroup created a sub-workgroup to review Pima County’s Simpla Phi Lex forms and explore adapting Pima County’s forms so they can be used by any county in Arizona. Over the course of the sub-workgroup’s meetings, the sub-workgroup discovered that there are forms already available that address their goals. Accordingly, the sub-workgroup is drafting a formal memorandum to be disseminated statewide to inform courts of the variety of materials available for their use. Concurrently, commission staff are working on compiling county specific information that can be used to populate a generic Simpla Phi Lex template document to provide yet another option for courts to use.

E. Report on the updated “Q&R Handbook”

Ms. Sekardi reported that feedback and comments were received from commission and workgroup members and many of the suggestions were incorporated into the Q&R Handbook in an Adobe PDF format. The PDF will have user-friendly navigation features, will be translated into Spanish, and will be made available on the court’s intranet and internet page as well as for Legal Information versus Legal Advice training.

III. REPORT FROM SRL-LJC WORKGROUP

A. Forms and instructions for landlord and tenant issues

Mr. Olm reported on the current status of the landlord and tenant informational packets and forms and his work with an honors student at Arizona State University recruited to further review the information packets. The goal of getting this additional review being to reflect an easier reading level for self-represented litigants.

B. Update on Resources Sub-Workgroup efforts

Mr. Olm next reported on the status of the landlord and tenant informational videos. Several meetings were held to review the working scripts that were discussed at the last commission meeting. These scripts are currently being storyboarded and are in the pre-production stages. Members were supportive of the animated videos and encouraged further production of them.

C. Update on Maricopa County Justice Courts efforts

Jeff Fine, Court Administrator for the Maricopa County Justice Courts, updated the commission on the efforts underway to improve access to justice in Maricopa's justice of the peace courts. Initiatives being made by the justice courts include:

1. Eviction forms

In collaboration with the SRL-LJC Workgroup the landlord and tenant forms have been revised to have the information that is most important clearly visible on the form.

2. Eliminating paperwork

Maricopa County Justice Courts are beta testing delivering information to litigants via email as opposed to regular mail as home addresses on citations are frequently wrong. Maricopa County Justice Courts are also looking at delivering information, including videos and documents, to litigants via text messaging.

3. Training

Mr. Fine reported that Maricopa County Justice Courts hired a full time training judge to provide training on how to provide legal information to self-represented litigants and to mentor newly hired judges. Additionally, the training judge will coordinate monthly training events.

In addition to the "Best Practices for Assisting Self-Represented Litigants" training that was videotaped and is available for all judges in Arizona to view, training for judges on federal subsidized housing eviction matters is in the planning stages and will include a Community Legal Services Attorney, a landlord attorney, and a judge with direct experience on the topic.

4. Resources for Litigants

Mr. Fine reported that a "navigator program" at the Downtown Justice Court Center is being implemented in partnership with Community Legal Services. This program provides the opportunity for laws students to be "navigators" that provide information and resources to self-represented litigants.

Additionally, Maricopa County Justice Courts are now only using Electronic Document Management System (EDMS) for civil cases. The court can connect online resources to court automated systems when using EDMS.

In closing, Mr. Fine requested the commission support training opportunities for court support staff. Mr. Fine indicated that staff turnover for front line clerks in the justice courts is significant due to budget constraints and low pay, leaving minimally experienced staff as the first contact for litigants with questions. Having frequent training for staff, especially in the area of assisting self-represented litigants, as well as addressing attrition issues would be very beneficial.

IV. REPORT ON LATEST DEVELOPMENTS IN NON-LAWYER REPRESENTATION INITIATIVES

Judge Kreamer reported on the latest developments in non-lawyer representation initiatives, including the recent report from Utah's Supreme Court Task Force that examined limited license legal technicians.

Judge Kreamer stated the American Bar Association's (ABA) House of Delegates adopted Resolution 10, which adopts the *ABA Model Regulatory Objectives for the Provision of Legal Services*. This resolution sets forth a framework for states to discuss non-lawyer representation. These discussions from other states will continue to be monitored by members of this commission as well as a task force to examine Washington State's Limited Liability Legal Technician program.

Judge Winthrop commented that Arizona already has a program to certify legal document preparers (Arizona Code of Judicial Administration § 7-201 and 7-208), which is why Arizona is taking a conservative approach before aggressively considering implementing a full-fledged licensed technician program. He noted that part of the efforts in other states is for non-lawyer advocates to prepare documents to file with courts and agencies; Arizona already has that service available.

V. UPDATE ON LAY LEGAL ADVOCATES

Ms. Groninger updated the commission on the status of the lay legal advocate's for domestic violence project. Ms. Groninger stated she spoke with anti-poverty advocates in British Columbia who provided helpful information and resources about their version of a lay legal advocate program. The Arizona Foundation for Legal Services and Education (AZFLSE) along with the Arizona Coalition to End Sexual and Domestic Violence will distribute a survey to domestic violence agencies to determine if the agencies employ domestic violence advocates and what roles and duties these advocates have at the shelter or agency. Once this information is obtained, training should then be developed and provided to lay legal advocates. Additionally, AZFLSE's efforts to obtain funding to develop a training event and curriculum for advocates for a potential pilot project are ongoing.

After an inquiry of a member, Judge Winthrop stated these ongoing reports of the lay legal advocate project are in response to this commission's approval to further explore this project. Additionally, Judge Winthrop mentioned the commission has been supportive of exploring this concept but has yet to take a position to support continuing/permanent funding for this project.

VI. PRO BONO SERVICE AND FUNDING WORKGROUP REPORT

A. Update regarding the *Pro Bono* Workgroup's focus and goals

Judge Kreamer, who has taken over for Barb Dawson as chair for the *Pro Bono* Workgroup, reported that outreach to corporate counsel for involvement with *pro bono* work is ongoing. Kevin Groman, from the Arizona Chapter of the Association of General Counsel, is assisting Judge Kreamer with this project but he would like to have more public lawyer involvement in *pro bono* services. It was noted public lawyers have expressed frustration with not being able to provide legal services because of a potential conflict of interest. To address this challenge the State Bar of Arizona is considering whether a policy change is needed to clarify what level of involvement public lawyers can have with providing *pro bono* services.

B. Charitable Tax Report and Report on Outreach Efforts

Lara Slifko reported on the 2015 Charitable Tax Report numbers and stated Southern Arizona Legal Aid (SALA) had great success with outreach efforts to solicit charitable tax contributions. SALA's high success rate in obtaining donations is attributed to mailings sent to members of the bar in SALA's service area as well as those outside the county. Follow-up phone calls to those who received mailings from SALA and calls to each of the donors thanking them for their donation were also made.

Judge Winthrop thanked the State Bar of Arizona for their listserv emails to remind members of the State Bar about the Charitable Tax Credit. Judge Winthrop also thanked Geoffrey Trachtenberg for writing a column in the Arizona Attorney Magazine promoting the Charitable Tax Credit.

Finally, it was noted there are two bills currently in the legislature that will have an effect on the Charitable Tax Credit; SB1216 and SB1217.

C. Recognition of In-House Counsel of the Year

Judge Kreamer reported the State Bar of Arizona, through the Arizona Attorney Magazine, will devote an entire issue of the magazine to lawyers doing *pro bono* work around Arizona. Dr. Ruegg will also be authoring a piece in the Arizona Attorney Magazine.

Additionally, it was noted the Arizona State Bar Board of Governors has developed a new award to recognize *pro bono* service by in-house counsel. The first award will be presented at the Arizona State Bar Convention in June.

VII. REVIEW OF COMMISSION PROGRESS ON MANDATES IN ADMINISTRATIVE ORDER NO. 2014-83

Judge Winthrop reviewed the commission's progress in relation to the mandates in Administrative Order 2014-83. He then queried members about what topics they would like this commission to review in the future.

Members expressed their interests in exploring the negative impact that fines, fees and assessments have on largely low-income people. Mr. Baumstark mentioned that this issue is being reviewed by the Conference of Chief Justices and the Conference of State Court Administrators, and that the Arizona Supreme Court is currently in the process of creating a task force to look at this issue as well.

Members offered the following additional suggestions for future work:

- Explore the use of technology to advance access to justice in the courts and legal services, as well as possibly creating a technology workgroup.
- Continue the focus on building relationships with the Arizona Legislators to expand their understanding of the role they play in access to justice.
- Work with the Civil Justice Reform Committee to ensure that there is not duplication of efforts in projects to advance access to justice.
- Build stronger relationships with the tribal courts; especially in the commission's review of editing forms and the use of technology in the courts.

VIII. OTHER BUSINESS

A. Good of the Order/Call to the Public

There was no response to a call to the public.

B. Adjournment

Meeting adjourned at 1:44 p.m.

C. Next Commission Meeting Date

May 18, 2016

10:00 a.m. to 2:00 p.m.

State Courts Building, Conference Room 119A/B, 1501 W. Washington, Phoenix, Arizona 85007